

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. 09/913,690	)	Group Art Unit: Unknown
	)	
Filing Date: August 16, 2001	)	Examiner: Unknown
	)	
For: Method And Apparatus For Generating A	)	Docket No.: 13189.138
Data Stream And Method And Apparatus	)	
For Playing Back A Data Stream	)	
	)	
Inventor: Rump et al.	)	

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being enclosed or attached, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to PCT Legal Office, Box PCT, Assistant Commissioner for Patents, Washington, DC 20231.

June 6, 2002  
Date

Elaine C. Von Spreckelsen  
Elaine C. Von Spreckelsen

PCT LEGAL OFFICE  
BOX PCT  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

This Request For Reconsideration is filed in response to the Decision On Petition Under 37 CFR 1.47(a) mailed April 8, 2002. A copy of the Decision is enclosed.

**REQUEST FOR RECONSIDERATION**

On page 2 of the Decision On Petition Under 37 CFR 1.47(a) mailed April 8, 2002, the examiner states "Mr. Schoppe states a request was submitted to the residence registration office in Erlangen and the telephone inquiry office. These are not documented. Further, a statement should outline what steps, e.g., internet searches, were taken to locate Mr. Rump beyond searching in Erlangen."

Enclosed please find a copy of the Supplement To Statement Of Facts signed by Mr. Fritz Schoppe, the German attorney handling the instant application. Also enclosed are the English translations of the four documents listed in the Supplement To Statement Of Facts.

Doc. 6477

**Serial No. 09/913,690**

**Request For Reconsideration in response to**

**Decision mailed 4/8/02**

**Page 1**

While the petition was being considered, Mr. Niels Rump, the inventor, contacted the office of the German patent attorney with his current mailing address. Therefore, a Combined Declaration And Power Of Attorney was prepared, and the executed document is enclosed. Since the document would be late without the allowance of the petition, this request for reconsideration of the petition is also being enclosed.

Since the above-mentioned Combined Declaration And Power Of Attorney was executed, it has come to the undersigned attorney's attention that the signature page is incomplete; i.e., the other two inventors are not shown on the signature page. A revised Combined Declaration And Power Of Attorney was sent to Mr. Rump on May 22, 2002. A copy of the revised Combined Declaration And Power Of Attorney and letter is also enclosed. Attempts to reach Mr. Rump to follow up on the package mailed May 22, 2002 have proven unsuccessful, as shown in the Supplement To Statement Of Facts signed by the undersigned attorney's secretary, Elaine C. VonSpreckelsen.

Since this is a situation the undersigned attorney has never before encountered, if everything needed to provide a filing date as of August 16, 2001 is not enclosed, please call the undersigned attorney.

For the reasons given above, the entrance of the instant application and its reconsideration is respectfully requested. The late entry fee for Mr. Rump's Combined Declaration And Power Of Attorney in the amount of \$130.00 is enclosed. If any additional fee is due, please charge it to Deposit Account No. 50-1848.

Respectfully submitted,  
**PATTON BOGGS LLP**

By: 

Carl A. Forest, Registration No. 28,494  
Telephone: 303-379-1114  
Facsimile: 303-379-1155  
Customer No.: 24283

IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/EP99/09980	15 December 1999 (15.12.99)	16 February 1999 (16.02.99)
International Application Number	International Filing Date	International Earliest Priority Date

U.S. Application Serial No.: 09/913,690

Filing Date: 16 Aug 2001

TITLE OF INVENTION: METHOD AND APPARATUS FOR GENERATING A DATA  
STREAM AND METHOD AND DEVICE FOR PLAYING BACK A  
DATA STREAM

APPLICANT(S): Rump, Niels; Koller, Juergen and Brandenburg, Karlheinz

SUPPLEMENT TO STATEMENT OF FACTS

Following are the details of the efforts to reach inventor Niels Rump:

1. On June 5, 2002, the undersigned accessed the Internet to determine the phone number of Mr. Niels Rump. A search was made in Kent County, England for "Rump, N", and an additional search was made in Germany for "Rump, N".
2. The Internet search in Kent County, England, yielded the name and phone number of N.A Rump as shown on the attached printout. On June 6, 2002, the undersigned telephoned N.A Rump and found out that this listing belonged to a Ms. Rump, and that there was no Mr. Rump at this number.
3. The undersigned asked Sarah Miller, a paralegal in the office of Patton Boggs LLP who can speak German with some fluency, to contact the listings for "Rump, Niels" in Germany as shown on the attached printout. On June 6, 2002, Sarah Miller tried the first listing in Erlangen and found the number was disconnected. Sarah contacted Mrs. Rump at the second listing and explained that we were looking for Niels Rump, the first inventor in the above-referenced application. Mrs. Rump did not know if her husband was the inventor we were seeking, but would have him call Sarah if he was, in fact, the inventor when he returned home that evening. Since Germany is eight hours ahead of the undersigned's office time, it was determined that Mr. Rump was not the inventor since no phone call was received by 4:30 p.m. MDT (12:30 a.m. in Germany).

I hereby certify that I am the person who has firsthand knowledge of the details of this Statement Of Facts as required to meet the requirements of 37 CFR 1.47(a).

Date: June 6, 2002

Elaine C. VonSpreckelsen  
Elaine C. VonSpreckelsen  
Secretary to Carl A. Forest, Reg. No. 28,494  
Customer No. 24283



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## Detail

Listing details for: N.A Rump

N.A Rump  
 The Newsagents  
 Pluckley, Ashford, Kent  
 TN27 0SJ

Phone: 01233 840190

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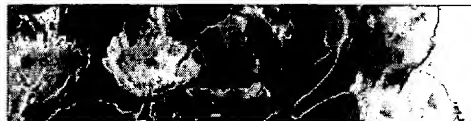


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May 22, 2002

Carl A. Forest  
303-379-1114  
CForest@pattonboggs.com

**VIA US AIRMAIL**

Mr. Niels Rump  
16 Chatsworth Avenue  
Bromley, Kent BR1 1DP  
United Kingdom

RE: U.S. Patent Application No. 09/913,695  
National Phase Based on International Application PCT/EP99/09977  
**Method And Device For Generating An Encrypted User Data Stream And Method  
And Device For Playing Back An Encrypted User Data Stream**  
Inventors: Niels Rump, Juergen Koller and Karlheinz Brandenburg  
**Schoppe Ref: FH991204PUS; PB Ref: 13189.136**  
**AND**  
U.S. Patent Application Serial No. 09/913,686  
National Phase Based on International Application PCT/EP99/09981  
**Method And Device For Producing An Encrypted Payload Data Stream And  
Method And Device For Decrypting An Encrypted Payload Data Stream**  
Inventors: Niels Rump, Juergen Koller and Karlheinz Brandenburg  
**Your Ref: FH991202PUS; PB Ref: 13189.137**  
**AND**  
U.S. Patent Application Serial No. 09/913,690  
National Phase Based on International Application PCT/EP99/09980  
**Method And Apparatus For Generating A Data Stream And Method And  
Apparatus For Playing A Data Stream**  
Inventors: Niels Rump, Juergen Koller and Karlheinz Brandenburg  
**Your Ref: FH991203PUS; PB Ref: 13189.138**

Dear Mr. Rump:

Enclosed for your information please find a copy of the Decision On Petition Under 37 CFR 1.47(a) received in the first application referenced above, Serial No. 09/913,695. Pursuant to the decision by the US Patent Office in this application, we are enclosing three Combined Declaration And Power Of Attorney forms, one for each application, for your signature. The only change on these revised forms is the signature page, where we have added signature blocks for Mr. Koller and Mr. Brandenburg. Please sign and date all three documents in the space next to your name and return them to me immediately in the enclosed Federal Express envelope for filing with the US Patent Office. Please note that the signatures of Mr. Koller and Mr. Brandenburg are not required.

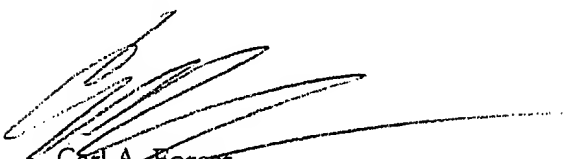
Doc. 6556

PATTON BOGGS LLP  
ATTORNEYS AT LAW

Mr. Niels Rump  
May 22, 2002  
Page 2

If you should have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,  
PATTON BOGGS LLP



Carl A. Forest  
Partner

CAF/ecv  
Enclosures

cc: Mr. Fritz Schoppe



---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)**

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a national stage of PCT application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

METHOD AND APPARATUS FOR GENERATING A DATA STREAM AND METHOD AND APPARATUS FOR PLAYING A DATA STREAM

**SPECIFICATION IDENTIFICATION**

The specification was filed on August 16, 2001, as Serial No. 09/913,690.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

**PRIOR PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

INDICATE IF PCT	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 U.S.C. SECTION 119
PCT	PCT/EP99/09980	15 December 1999	yes

**PRIOR FOREIGN APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 U.S.C. SECTION 119
Germany	19906432.6	16 February 1999	yes

**POWER OF ATTORNEY**

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**Customer No. 24283**

SEND CORRESPONDENCE TO:

**Customer No. 24283**

DIRECT TELEPHONE CALLS TO:

Carl A. Forest  
303-379-1114

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

Niels Rump

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_ **Country of Citizenship** Germany

**Residence** Kent United Kingdom

**Post Office Address** 16 Chatsworth Avenue, Bromley, Kent BR1 1DP United Kingdom

-----

Juergen Koller

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_ **Country of Citizenship** Germany

**Residence** Erlangen Germany

**Post Office Address** St. Johann 6/113, Erlangen D-91054 Germany

-----

Karlheinz Brandenburg

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_ **Country of Citizenship** Germany

**Residence** Erlangen Germany

**Post Office Address** Haagstrasse 32, Erlangen D-91054 Germany



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APR 13 2002

Patton Boggs LP

Carl Forest  
Patton Boggs  
P.O. Box 270930  
Louisville, CO 80027

In re Application of  
RUMP, Niels, et al.  
Application No.: 09/913,690  
PCT No.: PCT/EP99/09980  
Int. Filing Date: 15 December 1999  
Priority Date: 16 February 1999  
Attorney Docket No.: 13189.138  
For: METHOD AND APPARATUS FOR  
GENERATING A DATA STREAM AND  
METHOD AND DEVICE FOR PLAYING  
A DATA STREAM

Renewed Petition Due  
Due Date: 6/8/02  
Statutory Deadline: 6/8/02  
Date Docketed: 4/16/02  
Docketed by: [initials]  
Sec: [initials]  
Atty: CAF

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' "Statement of Facts In Support of Filing On Behalf of Nonsigning Inventor (37 C.F.R. Section 1.47)," filed in the United States Patent and Trademark Office (USPTO) on 24 January 2002.

### BACKGROUND

On 15 December 1999, applicants filed international application PCT/EP99/09980, which claimed a priority date of 16 February 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 August 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 September 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 August 2001.

On 16 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 October 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of oath or declaration were required.

On 24 January 2002, applicants submitted the instant petition under 37 CFR 1.47, which was accompanied by, *inter alia*, a combined declaration and power of attorney executed by inventors Juergen Koller and Karlheinz Brandenburg.

### DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort,

(3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) have been met. (1) The petition fee of \$130 has been paid. (4) The declaration submitted is accepted as complying with 37 CFR 1.47(a).

Item (2) has not been met. Applicants are asserting that the nonsigning inventor cannot be reached after diligent effort. It is noted that had this petition been based on the refusal of inventors to sign the declaration, applicants would have had to demonstrate that *bona fide* attempt was made to present a copy of the application papers to the inventors. MPEP 409.03(d).

Under 37 CFR 1.47(a), the petition must supply proof of pertinent facts. It is noted that "copies of documentary evidence, such as a internet searches, certified return mail receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached" should be included. MPEP §409.03(d).

In this case, Mr. Schoppe states a request was submitted to the residence registration office in Erlangen and the telephone inquiry office. These are not documented. Further, a statement should outline what steps, e.g., internet searches, were taken to locate Mr. Rump beyond searching in Erlangen.

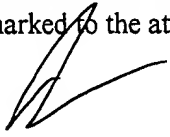
Item (3) has not been met. Applicants list the last known address of Niels Rump as Brueckenstrasse 13, Erlagen D-91056, Germany. This is also the address listed on the declaration. However, the inquiry at the residence registration office was in Erlangen and the letters were directed to an address in Erlangen.

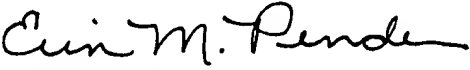
### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.

  
Boris Milef  
PCT Legal Examiner  
PCT Legal Administration

  
Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: 703-305-0455  
Facsimile: 703-308-6459

Patentanwälte · Postfach 710867 · 81458 München

Herrn  
Niels Rump  
Brückenstr. 13

D-91056 Erlangen

PATENTANWÄLTE

European Patent Attorneys  
European Trademark Attorneys

Fritz Schoppe, Dipl.-Ing.  
Tankred Zimmermann, Dipl.-Ing.  
Ferdinand Stöckeler, Dipl.-Ing.  
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Telefax/Facsimile 089/790 22 15  
Telefax/Facsimile 089/74996977  
e-mail: szsz\_iplaw@t-online.de

27. Juni 2001

Ihre internationale Patentanmeldung PCT/EP99/09977  
Regionale Phase 99964581.5 vor dem EPA  
Titel: Verfahren und Vorrichtung zum Erzeugen eines ...  
FhG-Zeichen: 99/35054-IIS-A - Unser Zeichen: FH991204PEP/dg

Sehr geehrter Herr Rump,

am 09. Februar 2001 hat mich Herr Herre schriftlich beauftragt  
die regionale Phase für folgende Staaten einzuleiten:

*Deutschland, Österreich, Schweiz/Liechtenstein und Großbritannien.*

Bezüglich der zur Einleitung der regionalen Phase beim EPA  
eingereichten Unterlagen möchte ich Sie darauf hinweisen, daß  
diese auf der Grundlage der ursprünglich eingereichten Unter-  
lagen basieren. Es wurden lediglich noch formale Änderungen  
eingereicht.

Eine Kopie der Anmeldung liegt für Ihre Akte bei.

Mit freundlichen Grüßen

  
Fritz Schoppe

Anlage

Eingereichte Unterlagen

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Herrn

~~Niels Rump~~

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02. Juli 2001

Unsere Zeichen: FH991204PUS und FH991204PEP/dg

Sehr geehrte Familie Rump,

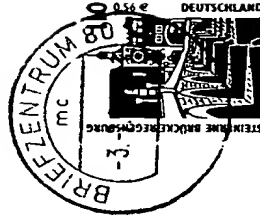
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Ich bedanke mich für Ihre Hilfe.

Mit freundlichen Grüßen

  
Fritz Schoppe





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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130

## Complete if Known

Application Number 09/913,690  
Filing Date 16 Aug 2001  
First Named Inventor Niels Rump  
Examiner Name Unknown  
Group / Art Unit Unknown  
Attorney Docket No. 13189.138

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1848

Deposit Account Name Patton Boggs LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	** = 0	X	= 0
Independent Claims	** = 0	X	= 0
Multiple Dependent		X	= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) Carl A. Forest Registration No. Attorney/Agent 28,494 Telephone 303-379-1114

Signature

Date

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